FILE COPY

MAR 2

No. [redacted] 19

In the Supreme Court of the United States

OCTOBER TERM, 1931

UNITED STATES OF AMERICA, APPELLANT

v.

SHREVEPORT GRAIN & ELEVATOR COMPANY

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF LOUISIANA

STATEMENT OF JURISDICTION

In the Supreme Court of the United States

OCTOBER TERM, 1931

No. 807

UNITED STATES OF AMERICA, APPELLANT

v.

SHREVEPORT GRAIN & ELEVATOR COMPANY

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF LOUISIANA

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above entitled cause.

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C. Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and by Section 238 of the Judicial Code as amended by the Act of February 13, 1925.

109636—32

B

Dates of judgment and order allowing appeal

The judgment of the District Court was entered February 19, 1932. (R. 18.)[1]

Appeal was allowed March 7, 1932. (R. 22.) The case was docketed in this Court on March 18, 1932.

C

Nature of the case

The United States proceeded against the defendant by way of indictment on the ground that three shipments of meal made by this company were misbranded within the meaning of the Food and Drugs Act, as amended, in that the sacks did not contain the number of pounds stamped thereon. (R. 1–11.) The defendant filed a demurrer to the indictment and also a motion to quash on the ground, among others, that Paragraph Third of that portion of Section 8 of the Food and Drugs Act relating to the misbranding of food violates the Sixth Amendment of the Constitution in that "it is too indefinite, sets no ascertainable standard of guilt, and defendant can not be informed of the nature and the cause of the accusation against it thereunder." (R. 12–13.) The District Court

[1] All reference to the record are to the pages of the certified unprinted record prepared by the Clerk of the District Court and on file with the Clerk of this Court. The record has not yet been printed.

sustained the demurrer and the motion to quash on that ground and filed an opinion relying on its prior opinion in *United States* v. *Shreveport Grain & Elevator Company*, 46 F. (2d) 354 (see R. 14), in which case the Government had proceeded against the same company by way of information in connection with previous shipments. (R. 14–18.)

D

Cases sustaining jurisdiction

United States v. *Stevenson*, 215 U. S. 190, 195–196.

United States v. *Yuginovich*, 256 U. S. 450, 458.

United States v. *Sprague*, 282 U. S. 716.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.
ROY ST. LEWIS,
Assistant Attorney General.
W. CLIFTON STONE,
Attorney.

MARCH, 1932.

U. S. GOVERNMENT PRINTING OFFICE: 1932